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| 10/676,659 | 09/30/2003 | David L. Chavez | 4366-157 | 8989 |
| 48500 | 7590 | 08/23/2007 | EXAMINER | |
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| DENVER, CO 80202 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/676,659 | Applicant(s) CHAVEZ ET AL. | |
| | Examiner Hanh Nguyen | Art Unit 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 6/19/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/1/07</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 10, 11 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 11 both depend on claim 1 are method claims. "Said computation components" in these claims 10 & 11 are elements. Therefore, it is not clearly addressed what is meant by "said computational components" in claims 10 and 11.

Regarding claim 28, the word "means" is preceded by the word(s) "for interconnecting said first means... on line 6"; and "for storing in said first communication client On line 8 " in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

The use of "means" in claim 28 does not describe what is referred as "the means"

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-31 are rejected under 35 USC 102(e) as being unpatentable over Dalgic et al. (US pat. 6,925,076 B1) in view of Elwin (Us pat. 6,317,596 B1).

In claims 1, 2, 12, 19 and 20, Dalgic et al. discloses a method for maintaining call state information (see col.8, lines 48-52; fig.1; and abstract, maintaining call state information in gate controller 104/ edge router 106) comprising generating in a first call controller (see fig.1, edge router 106) call state information (see fig.1; col.4, lines 17-22 & 32-38; edge router 106 stores call state information); creating at least a first file containing a representation of at least some of said generated first call state information (see col.9, lines 4-14; constantly updating call state information on the edge router 106; the call state information includes bandwidth authorized for the call, length of the call, start time of the call, and rate information association with the call). Dalgic discloses said first client is a communication endpoint participating in a call to which said first call state information pertains (see fig.2A & 2B; telephone 110 establishes a call to telephone 124 via edge router 106 which contains call state information).

Dalgic does not disclose providing said at least a first file to a first client and storing said at least a first file on said first client. Elwin discloses, on col.1, lines 50 to col.2, line 15, a subscriber monitors and detects communication link conditions while active on a call. The link conditions include link error states, link error types, link signal strengths (a first client receiving said at least first file containing at least some of said first call state information). The subscriber saves call state information leading to a link failure and sends the call state information to a system management entity to generate error reports (storing said at least a first file on said first client). Therefore, it would have been obvious to one skilled in the art to apply the method of saving call state information in the subscriber into Dalgic so that the subscriber can select

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another backup call controller to reestablish the call when the primary call controller fails. By doing that, no database is needed and call state information is already stored in the subscriber.

This application is applied when the subscriber handoff to another base station.

In claim 28, as disclosed in claims 1, 12 and 19, Dalgic et al. similarly discloses a system for providing redundant signaling information, (system shown in fig.1 comprising a first gate controller 104 and a second gate controller 118, wherein call state information is stored in edge router 106; see col.4, lines 25-60), comprising: first means (gate controller 104) for controlling features associated with a communication channel (see fig.2A&2B; establishing call in response to a call request); first communication client is a communication endpoint (telephone 110); means (edge router 106) for interconnecting said first means (gate controller 104) for controlling to said first communication client (telephone 110). Dalgic does not disclose means for storing in said first communication client communication channel state information related to a first communication channel, wherein first channel state information is stored in said means for storing.

Elwin discloses, on col.2, lines 50-65 and col.3, lines 10-15, a subscriber 202 monitors and detects communication link conditions while active on a call. The subscriber saves call state information regarding link failures in the mechanism 210. The subscriber 202 saves call state information for each cell broadcast channel (means for storing in said first client channel state information related to a first communication channel). Therefore, it would have been obvious to one skilled in the art to apply the method of saving call state information related to a broadcast channel in the subscriber into Dalgic so that the subscriber can select another backup call controller to reestablish the call when the primary call controller fails. By doing that, no

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database is needed and call state information is already stored in the subscriber. This application is applied when the subscriber handoff to another base station.

In claim 7, Dalgic et al. discloses establishing a call (see fig.2A&2B; establishing a call) between said first client (see fig.1; terminal adapter 108 associated with telephone 110) and a second client (see fig.1; terminal adapter 112 associated with telephone 124).

In claims 8, 9, 10, 11, 16, 17 and 21, Dalgic et al. discloses the first client is media gateway (see col.4, lines 16-20); a communication endpoint (col.3, lines 62-67; video client device); computer readable storage medium containing instructions (col.3, lines 62-67; personal computer); IP phone (IP phone; see col.3, lines 62-67);

In claim 15, Dalgic et al. discloses IP network (see fig.1, and col. 2, lines 25-40; Ip telephone 110 requests a call through media adapter 108 and packet based network 112).

In claim 18, Dalgic et al. discloses real-time call controller (the invention supports multimedia conferencing by using multimedia adapters and H.323 signaling).

In claims 3 and 23, Dalgic et al. discloses establishing a call signaling channel (see fig.2A&2B; see col.6, line 60 to col.7, line 17) between said first call controller (gate controller 104) and said first client (edge router 106); losing said call signaling channel (see col.9, lines 14-18; the gate controller 104 fails); generating in said first client a request for service from a second call controller (see col.9, lines 28-32; a second gate controller 118 provides services previously provided by the gate controller 104); and providing said at least a first file to said second call controller (see col.9, lines 31-37; retransmit pending requests to the second gate controller 118).

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In claims 4, 13, 24 and 30, Dalgic et al. discloses said providing said at least a first file to said second call controller is performed after receiving at said first client a query from said second call controller for said at least a first file (see col.9, lines 27-36; second gate controller 118 monitors gate controller 104 and upon the failure, sends a message to edge router 106 indicating the the gate controller 104 has failed. Edge router 106 retransmits pending requests to the second gate controller 118).

In claim 5, Dalgic et al. discloses a first file including most recent call state information (see col.9, lines 7-15; call state information includes bandwidth authorized for the call, length of the call, start time of the call, and rate information association with the call).

In claims 6, 22 and 26, Dalgic et al. discloses as each message is relayed between edge routers 106 and 120, call state information is updated as appropriate in the edge router. The updated call state information includes generating in said first call controller second call state information; creating at least a second file containing a representation of at least some of said generated second call state information; and providing said at least a second file to said first client.

In claims 25 and 31, Dalgic et al. discloses establishing a first communication channel (establishing an admission request, see fig.2A&2B) between said first communication endpoint (see fig.1; telephone 110) and a second communication endpoint (telephone 124); and providing second call state information to said second communication endpoint (see col.7, lines 28-35; fig.2A, step 208; controller 118 selects edge router 120 and forwards the lookup request to the edge router 120).

In claim 27, the limitation of this claim has been addressed in claims 19 and 25.

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In claim 29, the limitation of this claim has been addressed in claims 1, 19 and 28.

In claim 14, Dalgic et al. discloses, in fig.2B, a second communication endpoint (edge router 120), wherein said call state information is related to a communication channel established (fig.2B, step 262; call established) between said first and second communication endpoints(between routers 106 and 120).

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer et al. (Us Pat. 6,738,343 B1).

Benedyk et al. (US Pat. 7,227,927 B1).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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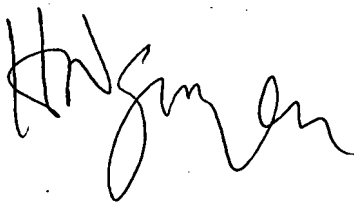
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'Hanh Nguyen', with a stylized, cursive script.

**HANH NGUYEN
PRIMARY EXAMINER**